

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,

Plaintiff – Appellee,

v.

Appeal No. 14-4260  
(3:13-cr-00061)

THOMAS RAY, III,

Defendant – Appellant.

**MOTION FOR EXTENSION OF DEADLINE TO  
FILE APPELLANT'S OPENING BRIEF**

Now comes Appellant, Thomas Ray, III, by and through his undersigned counsel, John H. Tinney, Jr., and respectfully moves this Court for an extension of the deadline for filing appellant's Opening Brief and Joint Appendix. In support of this motion, appellant states as follows:

1. Appellant's current deadline for filing his Opening Brief and Joint Appendix is August 5, 2014;
2. Appellant appeals his sentence and final judgment following a plea agreement in the District Court;
3. Appellant's undersigned counsel was appointed to pursue this appeal, however, the undersigned was not appellant's trial counsel;
4. On July 21, 2014, the undersigned suffered a medical emergency in the form of a severe detached retina and was rushed into eye surgery;
5. While surgery appears successful, counsel for appellant has been ordered by the surgeon to keep his head completely

immobile and is forbidden to read and/or write for an indefinite period of time.

6. Because the undersigned was not appellant's trial counsel, is now medically unable to prepare appellant's opening brief, and will require additional time to familiarize himself with the record once recovered, counsel requests an extension of the briefing schedule of not less than ninety (90) days;
7. Appellant is currently incarcerated in a federal correctional institute;
8. Appellant has not had enough opportunity to discuss the potential issues related to the instant appeal with his appellant counsel; and,
9. This is appellant's first request for an extension of the briefing schedule in this matter.

Wherefore, for the foregoing reasons, Appellant, Thomas Ray, III, respectfully requests that this Court grant his motion and extend the current deadline for filing his Opening Brief and Joint Appendix.

Thomas Ray, III  
By Counsel

/s/ John H. Tinney, Jr.  
John H. Tinney, Jr.  
The Tinney Law Firm, PLLC  
5 Greenbrier Street  
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**CERTIFICATE OF SERVICE**

I certify that on the 29<sup>th</sup> day of July, 2014 the foregoing Motion for Extension of Deadline to File Appellant's Opening Brief was served on all parties of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addressed listed below:

Joseph F. Adams, AUSA  
U.S. Attorney's Office  
845 5<sup>th</sup> Avenue, Room 209  
Huntington, WV 25701

/s/ John H. Tinney, Jr.

John H. Tinney, Jr.